

Tuesday, November 13, 2018
Board of Selectmen's Meeting Minutes
Foxborough Town Hall
Andrew Gala Meeting Room
7:00 p.m.

Members present: Chris Mitchell, Chair
Mark Elfman, Vice Chair
Leah Gibson, Clerk
James DeVellis
David Feldman

Others present: William Keegan, Jr., Town Manager
Mary Beth Bernard, Assistant Town Manager
Michael Johns, Veterans Services Director
Amanda Smith, Community Information Specialist

Chairman Mitchell called the meeting to order at 7:00 p.m. and read the agenda into the record.

1. Citizen's Input

Town Clerk, Bob Cutler, came before the BOS to provide an update on the process of early voting in Town and what goes into planning and executing early voting. B. Cutler said early voting went seamlessly thanks to the help of all involved and doing it in this building was a huge success. The Town received many compliments and continue to receive positive feedback. B. Cutler said over 2,100 people took advantage of the early voting period and that also helped with the polls on Election Day. B. Cutler said all were very happy early voting was held at Town Hall and would expect to see this at least every two years.

2. BOS/Planning Board - Appointment of Associate Member to Planning Board - Jeff Peterson

Planning Board Chairman Kevin Weinfeld called the Planning Board meeting to order. K. Weinfeld introduced Jeff Peterson and summarized his history on Town Boards and Committees in the past. The Planning Board requested the BOS approve the appointment of Jeff Peterson to the Planning Board as an associate member. There were no questions from the BOS. J. Peterson said he is excited to be part of the Planning Board.

Motion to Appoint made by L. Gibson, motion made second by M. Elfman

No further discussion.

Final Resolution: Motion Carries 5-0-0

Planning Board made a motion to approve the appointment. K. Weinfeld made a motion to adjourn Planning Board hearing; all in favor.

3. Complete Streets Policy Presentation - Review & Possible Vote

Chris Gallagher, Roger Hill and Mikel Myers came before the BOS. C. Gallagher, Town Engineer, introduced Mike Myers of TEC, consultant for Complete Streets programs. M. Myers works directly with municipalities to take advantage of available funding throughout the state. M. Myers summarized the Complete Streets program through MassDOT that opens the Town up to funding resources. M. Myers went over the draft policy before the BOS and what types of projects would be exempt from the Complete Streets policy. M. Myers reviewed possible timelines for the Town to apply for funding and to complete work under this policy.

M. Myers and C. Gallagher said one approach to looking for projects is to look at current gaps for pedestrian and bicycle safety in Town and fill these first. C. Gallagher said bike lanes would not be suitable on every road in Town given available widths but there could be roads where it would fit. C. Gallagher said filling in the ADA-compliance gaps in Town may be a great first step. J. DeVellis asked if the Planning Board has looked at the draft policy yet to discuss; Paige Duncan, Planning Director, said they have seen it but not yet voted on the draft. K. Weinfeld said the Planning Board has reviewed it at a couple meetings and are supportive of the policy and how this will best serve the Town to remain competitive for available funding. R. Hill said funding through the TIP would not cover these needs and this policy would help get grant funding.

Motion to Accept the Complete Streets Policy as presented made by L. Gibson, motion made second by M. Elfman

No further discussion

Final Resolution: Motion Carries 5-0-0

4. Classification Hearing - Vote & Set FY19 Tax Rate

L. Gibson read the public hearing notice into the public record.

T. Buckley opened the Board of Assessor's meeting, all in favor.

Randy Scollins, Hanne Simonds, Thomas Buckley and Robert O'Donnell came before the BOS. R. Scollins presented the executive summary of the presentation for the BOS; FY19 Tax Levy, FY19 Property Values, FY19 Tax Rate, FY19 Tax Bill, Area Community Comparisons, and Shifting the FY19 Tax Burden from Residential to Business. R. Scollins said the Town will mail out the 3rd and 4th quarter tax bills by the end of December 2018 following the vote by the BOS. R. Scollins summarized the tax rates based on three scenarios being explored by the Town: current tax split, reduced split that equalizes the tax increase percentage and the originally targeted split tax. R. Scollins reiterated for the BOS that when compared to other towns in the area, Foxborough does not have as many residential properties based on the number of parcels. R. Scollins explained the outcomes if the Town decided to shift the FY19 tax burden from residential to business.

T. Buckley said the Board of Assessor's voted at their meeting last week to recommend a split tax rate. T. Buckley said the split rate has not been discouraging businesses from coming to Town and there is currently little to no residential inventory on the market; people want to be here. The Board of Assessors looked into options for giving senior residents some relief and did not see a big influx in applications for this relief. The Senior Tax Worker program has been a big success and their maximum benefit has increased from \$1,000 to \$1,500. R. Scollins said the Board of Assessors voted at a meeting today at 5:30 p.m. for the residential tax factor of 0.944, resulting in the residential tax burden of 73.66% and the business tax burden of 26.34%.

C. Mitchell asked if the reduction in business property values has been a trend; T. Buckley confirmed. J. DeVellis recalled this discussion in the past that led the Town to move to split tax rate with the goal of getting back to a single tax rate. T. Buckley said the trend still shows the continued reduction of business property values and discussions about when the Town will be able to shift the burden back from the residential. J. DeVellis asked why not all businesses are reporting back to the Town; R. Scollins said it is self-reporting. T. Buckley said there is a mechanism to fine the businesses for not reporting their information to the Town but it is still self-reporting. R. Scollins said the decision made tonight does not increase the tax burden, it adjusts the split. H. Simmonds said the self-reporting is based on market rents and what the market will handle.

No comments from the audience.

Motion made to close the public hearing made by L. Gibson, motion made second by M. Elfman

No further discussion

Final Resolution: Motion Carries 5-0-0

Motion to approve the residential factor as recommended by Board of Assessors made by L. Gibson, motion made second by M. Elfman

No further discussion

Final Resolution: Motion Carries 5-0-0

5. Public Hearing - MIAA High School Superbowls

L. Gibson read the public hearing notice into the public record.

Phil Buttafuoco, Kraft Group, and George Bell, Stadium Advisory Committee (SAC), came before the BOS. P. Buttafuoco summarized the details of the events and operations for the two days at the Stadium. P. Buttafuoco said the ticket prices remain the same as in other years and expected attendance numbers. P. Buttafuoco said there were no issues last year on Friday night. G. Bell said the SAC reviewed the application and agree this is a positive event, especially all of the services donated by the Kraft Group. G. Bell summarized the access points for the event and that the SAC recommends the BOS approve this application.

No comments from the audience.

Motion made to close the public hearing made by L. Gibson, motion made second by M. Elfman

No further discussion

Final Resolution: Motion Carries 5-0-0

C. Mitchell asked to confirm there will be no alcohol sales at this event; P. Buttafuoco said there are no alcohol sales at this event as in the past.

Motion to approve application made by L. Gibson, motion made second by M. Elfman

No further discussion

Final Resolution: Motion Carries 5-0-0

6. Appointment to Personnel Board - Heidi Krockta

Heidi Krockta came before the BOS and introduced herself and her experience in serving on local boards and committees. C. Mitchell thanked Heidi for her past volunteering in Town.

Motion to appoint made by L. Gibson, motion made second by M. Elfman

No further discussion

Final Resolution: Motion Carries 5-0-0

M. Bernard said she is excited to have Heidi on the Board and the next meeting is scheduled for November 27, 2018.

7. Cable Television Advisory Committee Update - Mark Stopa

Mark Stopa, Mike Webber and John Regan came before the BOS and summarized the Cable Television Advisory Committee (CTAC) purpose and goals M. Stopa said the Committee would like to return to the BOS in about 1 month to update the BOS on the status of the cable television license. M. Stopa said some of the concerns include a cut in funding to Foxboro Cable Access Television (FCATV) and services provided to the Town.

B. Keegan recalled that this item was discussed on a national level at a conference he attended in Los Angeles last week. B. Keegan echoed M. Stopa that passing this regulation would result in a drain on resources for FCATV that has always been so active in this community. M. Stopa said the language in the regulation currently allows for the cable companies to add on services without requiring approval by the local licensing authority, the BOS.

J. DeVellis commended M. Weber at FCATV and the CTAC for getting the word out prior to coming to the BOS meeting tonight. The BOS is in full support of this language to submit by the deadline of November 14th and midnight. All of the BOS thanked the entire FCATV team for all of their continued efforts and their support for all community events.

M. Stopa summarized how negotiations with Comcast about high-definition channels and electronic guide channel for FCATV have gone and continue to go. C. Mitchell asked when the contract is up; M. Stopa said October 2019. M. Stopa said the next step would be for the CTAC to meet and request Comcast to take a position in order for the Committee to respond and/or act. B. Keegan said it has been clear that Verizon and Comcast have known this was going to happen with the FCC and is the reason why they have not responded to the Committee to date.

8. BOS to Approve Policy - Transfer of K-9 Ownership

Police Chief William Baker came before the BOS to present this proposed policy. Chief Baker said the Police Department was approached by Officer Chamberlain about retiring his canine and Chief approached the Town about retiring the dog in accordance with the law. Chief Baker said a new grant has allowed the Police Department to get a new dog for a young officer to train. This proposed policy outlines responsibilities of the handler and the Town. Chief Baker said it is common for the handler to keep the dog as a pet after the dog retires from service. C. Mitchell asked what determines retirement of a service animal and what is the factor in this case; Chief Baker said the service animal ages out or is in declining health. J. DeVellis asked what the process is if the handler does not want the animal as a pet; Chief Baker said he would then work with Town Administration to find proper placement of the service animal. B. Keegan told the BOS that Town Counsel has also reviewed the policy.

Motion to Approve Policy made by L. Gibson, motion made second by M. Elfman

No further discussion

Final Resolution: Motion Carries 5-0-0

Motion to Approve the Transfer of Ownership to Officer Chamberlain made by L. Gibson, motion made second by M. Elfman

No further discussion

Final Resolution: Motion Carries 5-0-0

9. Selectmen's Update

C. Mitchell thanked Matt Mackenzie and Mike Johns for planning the Veterans Day events and commended the amazing speaker. C. Mitchell thanked the VFW and the Kraft Group for bringing the Moving Wall to Town. Thanked Community support for the VFW following the recent events at their post.

M. Elfman said MassDEP has 45 days to respond to the public comments submitted for the Schneider Electric PSS.

10. Town Manager's Update

B. Keegan thanked the Veterans Services Department for their amazing efforts to plan the Veterans Day events and for their endless support to the Veterans in the Community.

B. Keegan said he returned from a conference in Los Angeles last week and said affordable housing was a major point of discussion at the conference.

B. Keegan said while the Town does not control the freight lines in Town, the Town does not support the current practices by CSX to block roadways in the community as of late. B. Keegan said the Town consulted with attorneys for options if the roadways are blocked in the future as it presents a public safety concern and could create an emergency situation.

M. Elfman said it scares and baffles him that the trains block roadways for hours at a time if there were to be an emergency in Town, Public Safety would not be able to pass. J. DeVellis said the effects of the freight trains at early hours of the morning are horrendous and very disruptive. L. Gibson asked why the Town is not fining the freight line if there is a mechanism to do so; B. Keegan said the Town can issue a fine to them if it happens again to block multiple intersections at once. M. Elfman asked if the noise could be measured at the tracks as done at the stadium for concerts.

B. Keegan said Department heads will meet tomorrow to begin discussing the FY20 budget process and will report back to the BOS an updated draft calendar.

11. Assistant Town Manager's Update

M. Bernard said the Town will introduce the new VSO at the next BOS meeting as they will be giving their notice to their current employer this week.

M. Bernard said the Town is in the process of developing the assessment center for hiring the new Fire Chief to take the place of Chief Hatfield after he retires in January. The assessment center should take place November 30th and the transition would begin immediately.

M. Johns thanked the Kraft Group for bringing the Vietnam Moving Wall to Foxborough over Veterans Day weekend. The Kraft Group worked with the Veterans Services Department, as well as the VFW for staffing the wall and taking shifts guarding it 24 hours a day from start to finish.

M. Johns echoed the importance of affordable housing and the need to put this out to the community to encourage and welcome. M. Johns said he would like to start a dialogue with residents. J. DeVellis suggested having the landowners and the developers at the table to provide additional viewpoints to the discussions.

J. DeVellis asked about an update on the Fire Station/Funeral Home; B. Keegan said some developers have recently shown interest and the Town will be meeting to discuss it this week.

12. Action Items

12.01 Foxboro Jaycees - Public Event Application for Caroling on the Common - December 20, 2018 from 5:00 p.m. to 9:00 p.m.

Motion to approve made by L. Gibson, motion made second by M. Elfman

Discussion: J. DeVellis offered thanks to the Jaycees for their efforts.

Final Resolution: Motion Carries 5-0-0

12.02 Foxboro Jaycees - Public Event Application to place Holiday Decorations on the Common - November 24, 2018 from 9:00 a.m. to 12:00 p.m.

Motion to approve made by L. Gibson, motion made second by M. Elfman

No further discussion

Final Resolution: Motion Carries 5-0-0

12.03 Recreation Department & Foxboro Jaycees - Public Event Application for Tree Lighting on the Common - November 24, 2018 from 4:00 p.m. to 6:30 p.m.

Motion to approve made by L. Gibson, motion made second by M. Elfman

No further discussion

Final Resolution: Motion Carries 5-0-0

12.04 Scorpion Bar - Approval of extension of hours of operation on New Year's Eve (Dec. 31) to allow customers on premises up until 1:30 a.m. with no alcohol being served after 12:40 a.m.

Motion to approve made by L. Gibson, motion made second by M. Elfman

Discussion: BOS changed the time to read that no alcohol may be served after 12:30am. Amended the motion to reflect the change in serving time as discussion.

Final Resolution: Motion Carries 5-0-0

12.05 Whole House Group, LLC. d/b/a Battle Road Brewing Company - (1) One-Day Entertainment License Application for December 7, 2018 from 12:00 p.m. to 11:00 p.m.

Motion to approve made by L. Gibson, motion made second by M. Elfman

No further discussion

Final Resolution: Motion Carries 5-0-0

12.06 Whole House Group, LLC. d/b/a Battle Road Brewing Company - (1) One-Day Wine & Malt License Application for December 7, 2018 from 12:00 p.m. to 11:00 p.m.

Motion to approve made by L. Gibson, motion made second by M. Elfman

Discussion: Leah asked to clarify the purpose of this application given the prior dates approved by the BOS. C. Mitchell said this is an additional date that was not on previous applications.

Final Resolution: Motion Carries 5-0-0

12.07 Veterans Services - Acceptance of Gift Donation of \$610.00 from Multiple Donors in Memory of Donald Phelps

Motion to accept made by L. Gibson, motion made second by M. Elfman

No further discussion

Final Resolution: Motion Carries 5-0-0

12.08 Veterans Services - Acceptance of Gift Donation of \$380.00 from Multiple Donors in Memory of Donald Phelps

Motion to accept made by L. Gibson, motion made second by M. Elfman

No further discussion

Final Resolution: Motion Carries 5-0-0

12.09 Approve BOS minutes from 10/16/18, 10/30/18

Motion to approve 10/16/18 minutes made by L. Gibson, motion made second by M. Elfman

No further discussion

Final Resolution: Motion Carries 4-0-1 (C. Mitchell abstained)

Motion to approve 10/30/18 minutes made by L. Gibson, motion made second by M. Elfman

No further discussion

Final Resolution: Motion Carries 5-0-0

13. Adjourn

Motion to adjourn at 9:06 p.m. made by L. Gibson, motion made second by M. Elfman

No further discussion

Final Resolution: Motion Carries 5-0-0